

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

MICHAEL DECASPER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:20-CV-551-TAV-JEM
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This civil matter is before the Court on a Report and Recommendation (“R&R”) entered by United States Magistrate Judge Jill E. McCook on January 30, 2023 [Doc. 42]. In the R&R, the magistrate judge recommends that the Court award attorney fees and expenses under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), consistent with the parties’ joint stipulation. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(d), 72(b).

After careful review of the matter, the Court agrees with the magistrate judge’s recommendations. Accordingly, the Court **ACCEPTS and ADOPTS** in full the R&R [Doc. 42] pursuant to 28 U.S.C. § 636(b)(1). It is hereby **ORDERED** that:

1. Plaintiff is awarded attorney fees and expenses in the amount of \$6,137.80, pursuant to the EAJA;

2. In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy a pre-existing debt that the litigant owes to the United States;

3. If Plaintiff owes no debt to the United States, payment of the EAJA fees may be made to Plaintiff's counsel per the fee assignment [Doc. 37-3, p. 3]; and

4. Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act [Doc. 37] is **DENIED without prejudice**, pursuant to the parties' agreement [Doc. 41].

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE